

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Scottrade, Inc.,)
Plaintiff,)
v.) Case No. 4:07-cv-01982 CAS
Modern Energy Corporation; First Public)
Securities Transfer Corporation; Merrill Lynch,)
Pierce Fenner & Smith, Inc.; Ridge Clearing &)
Outsourcing Solutions, Inc.; Penson Financial)
Services, Inc., and E*Trade Financial)
Corporation;)
Defendants.)

REQUEST FOR ALIAS SUMMONS

Comes now Plaintiff Scottrade, Inc. and respectfully requests that the Court issue an alias summons for Defendant First Public Securities Transfer Corporation (“First Public”), whose registered agent in California is California is list as Alice G. Navao, 4722 Ponderay Lane, Sacramento, CA 95841.

Plaintiff filed this action on November 29, 2007. At that time, Plaintiff requested a Summons for Service on First Public upon their registered agent in their state of incorporation. Plaintiff sent the Summons, Petition and related documents to the Lincoln County Sheriff for service upon First Public's registered agent R. Burns at the address listed with the Oregon Secretary of State of 6 Coronado Shores, Lincoln City, OR 97367. Sheriff's Deputy B. Bruster attempted to serve R. Burns at this address but was unable to do so because there is no Coronado Shores Street. Coronado Shores is a Housing Tract Name. There are numbered mail boxes in the club house for tenants, but the #6 box is held by Don and Gale Chestnut. See Return of Service, Non-executed, filed December 13, 2007, Docket #31.

Plaintiff therefore respectfully requests that the Court issue an alias summons for service upon Defendant First Public in the state in which they allegedly do business.

Respectfully submitted,

THOMPSON COBURN LLP

By: 

Thomas E. Douglass, #3008
Kenton E. Knickmeyer, #3577
Mark A. Mattingly, #525559
One US Bank Plaza
St. Louis, Missouri 63101
314-552-6000
FAX 314-552-7000

Attorneys for Plaintiff Scottrade, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Request for Alias Summons was served via First Class Mail, postage prepaid, on this, the 13th day of December, 2007, on:

Donald Mehan
Robert J. Osdieck
MOLINE AND MEHAN, LLC
8015 Forsyth Boulevard
St. Louis, Missouri 63105

Attorney for Modern Energy

David B. Cosgrove
Law Offices of David B. Cosgrove, LLC
1452 Oriole Place
St. Louis, Missouri 63144

Attorney for Modern Energy

Adam Behar
Mark Digidio
Ridge Clearing and Outsourcing Solutions, Inc.
26 Broadway, #12
New York, NY 10004

Counsel for Defendant Ridge Clearing

Alice G. Navao
4722 Ponderay Ln
Sacramento, CA 95841

Registered Agent for First Public

Joseph F. Devereux
Vicki Little
DEVEREUX AND MURPHY
190 Carondelet Plaza, 11th Floor
St. Louis, Missouri 63105

Attorney for E*Trade

Edwin L. Noel
F. Scott Galt
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102

Attorneys for Merrill Lynch

Brian Hurst
Baker & McKenzie, LLP
2300 Trammell Crow Center
2001 Ross Avenue
Dallas, TX 75201

Counsel for Defendant Penson



United States District Court

EASTERN DISTRICT OF MISSOURI

Scottrade, Inc.

ALIAS SUMMONS IN A CIVIL CASE

v.

CASE NUMBER: 4:07-CV-01982 CAS

Modern Energy Corporation; The Depository Trust Company; First Public Securities Transfer Corporation; National Securities Clearing Corporation; Merrill Lynch, Pierce Fenner & Smith, Inc.; Ridge Clearing & Outsourcing Solutions, Inc.; Penson Financial Services, Inc.; and E*Trade Financial Corporation

TO: (Name and address of defendant)

First Public Securities Transfer Corporation, by serving their registered agent Alice G. Navao, 4722 Ponderay Lane, Sacramento, CA 95841

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Thomas E. Douglas, Esq. and Kenton E. Knickmeyer, Esq., Thompson Coburn LLP, One U.S. Bank Plaza, Suite 2600, St. Louis, MO 63101

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(BY) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served: _____

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____

Returned unexecuted: _____

Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date _____

Signature of Server

Address of Server